JUDICIAL

(From the report of Mr. Salim Al Arayedh, Superintendent, Judicial Department)

The number of cases of all kinds which were filed in the Senior Court, consisting of Shaikh Daij bin Hamed and Shaikh Ali bin Ahmed, sitting separately except on one day of the week when both sit together with the Adviser, was 1158. This was 258 more than in the previous year. The cases consisted of 451 civil suits of which 15 related to administration of estates, 430 criminal charges, including a number of trivial matters which would not usually be dealt with by a senior court, and 227 land registration cases. The increase over the previous year was mainly due to the court having acquired jurisdiction over nationals of other Gulf States. Of these cases 167 were civil suits. 691

In all the courts civil suits predominate and a high proportion of them are concerned with immovable property. The high value of land, especially in the towns, has made the public more conscious of the importance of boundaries and the worth of property. There has been much litigation over inheritance and shares in houses and gardens. Heirs in estates who in the past were content to live together in one building now apply to the courts for an order to divide the property so that they may sell their shares in it. Because such high prices can be obtained for land anybody who can claim even a small share in a building or a garden takes his case to the courts. 691 423 428

It has been noticed in the Appeal Court too that questions of land ownership and boundaries have predominated.

There were no important civil cases and, apart from traffic offences, no serious crimes. A man stabbed his brother during a quarrel, inflicting "grievous hurt" for which he was sentenced to four years rigorous imprisonment and in two fatal traffic accidents drivers of vehicles were sentenced to two years rigorous imprisonment and to pay fines of Rs. 5,000/-. In certain traffic offences the occupants of cars ran away which suggests that they were probably under the influence of liquor when the accidents occurred. 681 697

Fines amounting to Rs. 7,623/- were paid into court and the sum collected in court fees was Rs. 43,599.

In the small courts 1,964 new cases were filed, 1,668 cases were disposed of and at the end of the year 692 cases were pending. The courts issued 506 execution orders leaving 155 to be dealt with at the end of the year. 691

The Sunni and Shia Courts heard 269 and 172 cases respectively leaving 119 and 51 cases pending. Out of 129 cases which were referred to the Majlis Tajara for an opinion 94 cases were returned to the courts and 35 cases were pending.

The Sunni Shera Court did not work smoothly during the year owing to differences of opinion among the three Kadis, two of them being of the Maliki and one of the Shafi Sect. At one time all cases were judged according to the Maliki tenets, this being the sect of the Ruling Family, but some years ago the Government issued a direction to the court according to which if the plaintiff, or both parties, followed the Shafi doctrine then their case should be tried according to Shafi law. 692 693

There has also been criticism of the Maglis Tajara which consists of a group of leading merchants appointed by the Government who give opinions on commercial matters and local custom. They are busy men and they receive no pay and when it is inconvenient for them to attend the court, and it is frequently inconvenient, they do not appear. Often less than half of the number are present. In addition, they are closely connected either as competitors or partners and it is sometimes difficult for them to give impartial opinion.

The Shia Appeal Kadi gave judgment in 18 cases, the Senior Appeal Court heard 27 cases and the Junior Appeal Court dealt with 28 cases.

At the end of the year the amount in the Police Provident Fund was Rs. 2,11,507. The balance of the Police Fund was Rs. 11,563/-, the sum of Rs. 5,744/- was paid out in loans to Police and Naturs, most of the payments being for building or repairing houses.

Crimes and Accidents. There was a slight increase in the number of serious crimes which is thought to be partly due to the large influx of foreigners, especially Omanis, during recent years.

On 25th January, 1953, some Omanis who were living in the brothel area, missed one of their party, Abdulla bin Salim. They went to his house which was found to be locked. One of them climbed over the wall and on entering the house he found Abdulla with his throat cut. The victim was a bad character, a procurer in the brothel area. Police investigations produced no evidence to justify a prosecution.

On 13th December, 1952, a youth named Abdul Husain bin Isa, who worked as a car cleaner and who habitually slept in a garage in Manama, was found by the owner of the garage, when he came to take out his car, lying dead on his bed with a wound in his back and signs of having been throttled. The garage doors were locked, one key was in the possession of the youth and the owner of the garage had another key. The garage, however, could have been entered by an inner door. There appeared to be no motive for the murder as the victim was not of the type to be associated with an affair of sex. The Police arrested the owner of the garage and his brother and laid a charge of murder against them in the Bahrain Court. The family of the murdered man were insistent that he had been murdered by the owners of the garage. The case was heard and the accused were acquitted owing to lack of evidence.

On 17th May, 1953, one Abdul Husain bin Haji Sulman bin Khalaf, a local Bahraini, was walking in a lane near his house, at night. His brother, Ibrahim, came on him from behind and stabbed him twice with a knife. He was seriously injured but after hospital treatment he recovered. The reason for the attack was a family quarrel. The attacker was sentenced to four years imprisonment with hard labour.

On 7th November, 1952, two men were cleaning their hands with petrol at one of the garages in Manama. Another man lit a match which ignited the petrol causing serious burns to both of the men one of whom subsequently died in hospital.

An Omani came from Dubai and reported to the Police that two years before his son, aged 18, who was working in a garage in Bahrain, died from burns. It was established that the boy had died in hospital as a result of burns but no evidence was forthcoming about the cause of the burns.

A man who was arrested for pickpocketing attempted to commit suicide by cutting his throat with a razor blade, in the Police Station.

There were two deaths from electrocution. A boy of 12 years caught hold of an electric wire in a shop and was killed, and a man climbed an electric standard, in order to catch birds, touched a live wire and was killed immediately.

Five cases of accidental drowning occurred, two men were lost when their small fishing craft capsized, an old man, reputed to be nearly 100 years old, fell into the sea from a fishing boat during stormy weather off Barbar and two children were drowned on the shore west of Manama town. In none of these cases was there any suggestion of foul play.

On 23rd August, 1953, some boys were out shooting on the shore near Jasrah. A shot from the gun of Mohamed Ahmed Al Ghatam entered the neck of one Ibrahim bin Mohamed Al Khalifah and killed him. The owner of the gun immediately left Bahrain. His father was ordered to pay Rs. 5000 to the relatives of the victim and to remove himself from Jasrah and an order was passed against the son forbidding him to return to Bahrain for an indefinite period. The families were related and were branches of the Ruling Family.

There were 280 cases of theft reported to the Police against 303 cases in 1371. Of these cases 55 were presented in Court, 133 cases were undetected and 92 cases were not proceeded with for lack of evidence. Most of the cases were pickpocketing and thefts of clothes.

TRAFFIC BRANCH

(Report by Superintendent J. Hyde, Officer-in-charge of the Traffic Section)

Vehicles. During the year 1372 there was a 32.8 per cent. increase over the previous year in the registration of motor vehicles, bringing the total to 2,822, at the end of the year.

Accidents. There was an increase in road accidents. The total for the year was 142, 27.9 per cent. more than in 1371. Unfortunately, there were ten fatalities as compared with four for the previous year, the highest since 1364. The number of persons seriously injured was 29, an increase of 20.

Thirty-nine pedestrians were involved, three more than in the previous year. Of these, 12 were children of 15 years or under. There were three fatalities with children, including a girl aged 3 years. The only other female casualty was a child aged 6 years, who was injured.

One hundred and fifteen of the total accidents occurred during the day, the remainder, 27, were during the hours of darkness.

Of the fatal accidents, three occurred on the Awal Road, one at night. One near Manama Bus Station, one behind the West Primary School, Manama, one near Ahmedi's Ice Factory, Manama, one near Muharraq Petrol Station (during darkness), one inside the R.A.F. Camp and one on the Sitra Causeway.

Eight cases were taken to Court. In three cases, the drivers were found not to blame.

One cases is still pending.

Five motor-cycles, 11 pedal cycles and six donkey carts were involved in accidents during the year.

Fifty-five cases were prosecuted in the Courts as a result of accidents. In ten cases the persons were acquitted.

Traffic Offences. One hundred and twenty-eight traffic offences were taken to the Courts. The total fines amounted to Rs. 19,896/-. In four cases the offenders were sentenced to terms of imprisonment.

Thirty-two driving licences were suspended for various traffic offences.

PUBLIC SERVICE VEHICLES

Taxi Cabs and Buses. There was a considerable increase in the number of these vehicles, especially taxi cabs.

It becomes more difficult each year to provide stands for taxi cabs, and it will soon be necessary to restrict their number.

Arrangements are in hand to fit all taxi cabs with fare meters.

Driving Tests. One thousand three hundred and fifty-four driving tests were carried out during the year. Five hundred and twenty-three passed the required standard.

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ACCIDENTS RETURN 1372

Total Number of Accidents .. 142

ACCIDENTS Involving Death or Injury to Persons			ACCIDENTS Involving Damage to Vehicles.		ACCIDENTS Involving Damage to Property.		ACCIDENTS Involving Injury to Animals.	
55			95		8		3	
Number of Persons Injured. 79			Number of Vehicles Damaged 143		Property Damaged. 8		Number of Animals Injured. 3	
Slightly. 40	Seriously. 29	Fatally. 10	Slightly. 107	Seriously. 36	Slightly. 5	Seriously. 3	Killed. 1	Injured. 2

COURT PROCEEDINGS AS RESULT OF ACCIDENTS 55

BAHRAIN COURT				AGENCY COURT			
Number Cases.	Number of Persons Accused.	Convictions.	Acquittals.	Number Cases.	Number of Persons Accused.	Convictions.	Acquittals.
45	45	40	5	10	10	10	Nil.

The two animals shown above as "Injured" are : Two Donkeys.

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TRAFFIC OFFENCES

	Number of Offenders.	*Number of Charges.*	*Amount of Fines.*
BAHRAIN COURT ..	86 ..	106 ..	Rs. 18,927
AGENCY COURT ..	18 ..	22 ..	Rs. 969

TERMS OF IMPRISONMENT

BAHRAIN COURT : In 11 Cases, 15 persons received terms of imprisonment.

Traffic Offences.	*Non-Traffic Offences.*
4 ..	7

AGENCY COURT : In 4 Cases, 4 persons received terms of imprisonment.

Traffic Offences.	*Non-Traffic Offences.*
Nil ..	4

CASH RETURNS OF FINES—1372

BAHRAIN COURT :	Traffic Offences	Rs. 18,927
	Non-Traffic Offences	Rs. 425
AGENCY COURT :	Traffic Offences	Rs. 969
	Non-Traffic Offences	Rs. 2,100
	Total Fines	Rs. 22,421

LICENCES REVOKED OR SUSPENDED

	Bahrain Subjects.	*Foreign Subjects.*
DRIVING LICENCES :		
Revoked	Nil ..	Nil
Suspended	25 ..	7
TAXI DRIVING LICENCES :		
Revoked	Nil ..	Nil
Suspended	Nil ..	Nil

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NON-TRAFFIC OFFENCES PROSECUTED 1372

AGENCY COURT

Number of Offenders	Nationality	Offences	Result
2	(1) Palistinian (2) Transjordanian	Being in possession of Hashish	(1) Fined Rs. 600/- and 3 months R.I. (2) Acquitted
1	Irani	Being under the influence of alcohol	Fined Rs. 500/-
1	Pakistani	Supplying Bahrain Subject with liquor	Rined Rs. 1000/- and 2 months R.I.
1	Indian	Criminal Breach of Trust	Fined Rs. 1000/- and 4 months S.I.
1	British	Criminal Breach of Trust	3 months S.I.

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NON-TRAFFIC OFFENCES PROSECUTED DURING 1372

BAHRAIN COURT

Number of Offencers	Nationality	Offences	Result
1	Bahraini	Insulting Public Servant	Not to do any work on Manama Jetty for six months.
1	Bahraini	Being in possession of liquor	Six months R.I.
2	Bahrainis	Insulting Public Servant	Eight hours Detention each
1	Bahraini	Insulting Public Servant	Fined Rs. 25/- and 8 hours detention.
1	Bahraini	Insulting Public Servant	15 days R.I.
1	Bahraini	Obstructing Public Servant	24 hours detention
1	Bahraini	Being under the influence of alcohol	Four months R.I.
2	Bahrainis	(1) Causing grevious hurt (2) Disobeying Curfew order	One month R.I. and fined Rs. 200/- each.

701 625 suit them, they spoke no Arabic, and were regarded by the people of Bahrain as expensive foreign mercenaries; they were useless at ordinary police work, and the Indian Officers and N.C.O.'s caused constant trouble by incessant quarrels and intrigues. The Indians were enlisted for four years, but before this period had expired I began to enlist a force of local men as police, a project which I always strongly advocated. It was from this time that the present force was started, but the final transition was not completed until the end of 1932.

574 362 684 **Crime and Prostitution.** The number of serious crimes which are committed every year in Bahrain is small in comparison to the population, which is thought to be about 150,000. Usually about one or two cases of murder are dealt with by the police during the year, but it is possible that occasional murders take place which are not detected, especially murders of women and newly born children. Although in recent years Bahrain has progressed in many ways, there are still a number of Arabs living in Hedd and Muharraq who consider that they are justified in murdering their female relations if the women bring shame on the family. A few of the very old-fashioned Arabs even consider that because the Government does not ignore such murders it is encouraging immorality. The Kadis, however, although ultra conservative in their outlook, disapprove of men taking the law into their own hands and murdering women who misbehave. In some Arab countries the fear of punishment by death for immorality has a very salutary effect, but Bahrain, although described as an Arab state, has very little in common [162] with real Arab countries. The Baharna, who form about three quarters of the population, are not true Arabs, and the rest of the population includes all the nationalities who live around the Gulf. The only real Arabs in Bahrain are the Khalifah and a few families who came over with them from the mainland and a small number of members of mainland tribes who live almost entirely in Hedd, Muharraq, Budeya, and two or three small villages on the south coast.

[548] Immorality is undoubtedly increasing, but the increase in prostitution is not due to the Government but is a matter of supply and demand. During the last two years numbers of foreigners [164] earning good pay have come to Bahrain, usually without their families, from Persia, Iraq, and India, and this has undoubtedly caused an increase in prostitution. Venereal disease is rampant, and the proportion of persons suffering from it, especially in ophthalmic forms, is very high. The medical supervision of prostitutes would undoubtedly result in an improvement in the public health. This suggestion was discussed and approved by the Manamah Municipal Council some years ago, but it has not yet been possible to arrange the medical organisation to cope with this matter.

674 ● 681 Most of the criminal cases which are dealt with by the police are cases of theft, assault, and immorality. Several important gangs of thieves have been rounded up during the last ten years. Some of these gangs were well provided with arms and had regular methods of disposing of stolen property in Bahrain or on the mainland. Foreigners, especially Hassawis, form the majority of the criminals. There are a number of inveterate thieves who spend the greater part of their lives in prison. Such persons, on the mainland, would be punished by cutting off of their hands and finally by decapitation. The punishments inflicted by the Bahrain courts are whippings, fines, and imprisonment, but imprisonment to many of these people is no hardship: the work is not hard, they are given better food than they would obtain themselves, and the only real punishment is being deprived of women.

273 276 **Drugs and Liquor.** Liquor and drugs, such as opium, are forbidden in Bahrain, but in spite of the severe penalties which are enforced by the Bahrain courts against persons contravening the liquor regulations, the habit of drinking liquor and smoking opium is, in my opinion, steadily increasing. Ten years ago very few people drank liquor, and the smoking of opium was entirely confined to foreigners, Persians, Indians, and Baluchis. To-day many of the younger Arabs have acquired a liking for spirits, partly because they have had opportunities for drinking while travelling abroad, and frequent cases have occurred in which Arabs have been found to be taking opium.

276 439 Opium is smuggled into Bahrain from Persia, usually in native crafts, but sometimes hidden in merchandise on the mail steamers. It varies in quality, most frequently it is in large lumps weighing four or five pounds, but sometimes it is in paper-covered sticks sealed up in bundles. It is very

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1. Criminal Cases, including capital offences, except cases of a trivial nature which are heard by the Small Court, are tried by the Bahrain Court. Death sentences are submitted to the Ruler for confirmation before promulgation.

2. Civil Cases, including estate cases, bankruptcy, inheritance, and divorce, are heard by the Bahrain Court, but the divorce and inheritance claims are passed on to the Shera Courts for judgment. Several very important cases have been settled by the Bahrain Court during the last ten years, including the Siadi case, in which the amount involved was over ten lacs.

3. Diving Cases. These cases are frequently referred to the Meglis Tajara, which has a special committee who are experts in diving law.

4. Land Cases. Land cases are very numerous and often very complicated, but in time they should decrease as by degrees more property is being registered in the Land Department, which reduces disputes. These cases include boundary disputes, water rights, Wakf claims, and rights of way. The local custom regarding the different divisions of water is in itself a complicated affair, and it has never been embodied in any regulation or code. All sales are registered after publication of proclamation calling on persons having a claim to the property to make it within a given time; but in addition to the proclamation, every sale or voluntary registration of ownership is submitted to the Bahrain Court after the proclamation has expired, and the court verifies, by hearing witnesses, the statement of the seller, with special regard to the interest of any women or minors. Although this may appear to be a cumbersome procedure, its value has been frequently proved by the court discovering that property of women or minors is being disposed of without the knowledge of the owners. Sales by foreigners, as well as by Bahrain subjects, pass through the Bahrain Court.

5. Fish-Trap Cases. These cases are numerous and are decided according to a local code governing the use of fish-traps. The rules of fish-trap ownership have not yet been recorded, but they are generally known to persons connected with this industry. The court usually appoints a committee to report on cases, but this practice, on the whole, is not satisfactory, as members of the committees are too susceptible to outside influence.

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The Bahrain Small Court. The court was instituted in 1927 (1346) to relieve the Bahrain Court of some of its work. In the beginning it dealt with civil cases in which the amount concerned was not more than Rs 100/-, but in 1935 its powers were extended and it now gives judgment in cases up to Rs 400/- and also hears minor criminal cases, but not diving cases. When the court was first started it was presided over by the Assistant Adviser, Captain Parke, and the Amir of Muharraq, Shaikh Mohammed bin Jabr.

Shera Court, Sunni. In 1926 it became evident that the Sunni Kadi, Shaikh Jasim, was no longer capable of carrying out his duties on account of his age and blindness. It was found that dishonest persons were able to obtain his seal and used it for their own purposes. The Government appointed three Sunni Alims, Shaikh Abdul Latif bin Mohammed Al-Saad of Manamah, Shaikh Abdul Latif bin Ali Al-Joudar of Muharraq, and Shaikh Abdul Latif bin Mahmood of Hedd as Kadis, and from that time they have sat together in the Sunni Shera Court. It was found that three Kadis on one bench was more satisfactory than a single Kadi. Their work, on the whole, has been satisfactory, but the public complain, with justification, of the slowness of the court. Simple cases are often before the court for over a year before a judgment is delivered, and the court usually has between two and three hundred pending cases on hand.

Shera Court, Shia. There have been many changes in the Shia Court during the last ten years. In 1926, Shaikh Khalaf was the only Shia Kadi. He had been Kadi for many years, although he had twice been dismissed for irregular practices, but each time, after an interval, he returned to power. His influence was very great; he was regarded as almost divine. In 1926, charges of accepting bribes and misappropriation were brought against him and proved in the court. He was finally dismissed and ordered to leave Bahrain. He retired to Iraq for some years, but eventually returned to Bahrain, where he is now living.